THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

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WRIT PETITION No.19400 of 1997

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Dated: 25.01.2007

Between:

Sagi Appalanarasimha Raju S/o S.L.N.Raju,

R/o Muramalla village, G.Polavaram, East Godavari

District and others.

..... PETITIONERS

AND

The Mandal Revenue Officer, G.Polavaram Mandal,

East Godavari District and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

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WRIT PETITION No.19400 of 1997

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ORDER:

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Petitioners are stated to be the lessees of the plots on the left bank of Guthenadeevi channel, belonging to Public Works Department, East Godavari Division. It is their case that the Public Works Department leased out the said plots to them, by virtue of the proceedings dated 15.12.1978, and since then they have been residing their by raising thatched houses and by doing some petty business, and they have been paying taxes to the Muramalla Gram Panchayat. While so, the Roads & Buildings Department, Amalapuram, under the guise of widening of the road, is making efforts to demolish their houses, without issuing any notice to them, and the same was also published in the newspaper on 14.08.1997. Hence, this writ petition seeking a declaration that the said action of the respondents is arbitrary and illegal and also for

a consequential direction to the respondents not to demolish the houses of the petitioners.

When this writ petition is taken up for hearing learned counsel for the petitioners submitted that when a similar writ petition, being W.P.No.16280 of 1996, came up for hearing before the Hon'ble Chief Justice, the learned Chief Justice, while dismissing the said writ petition by an order dated 21.06.2006, issued certain directions to the petitioners therein. Therefore, the learned counsel requests that this writ petition may be disposed of in the same manner.

Recording the said submission, this writ petition is dismissed with the following directions.

1) Within one month from today, the District collector, East Godavari, at Rajahmundry, should nominate a person for taking possession of the plots in question and an information to this effect be sent to the petitioners.

2) At the end of three months period counted from today, the petitioners shall handover vacant possession of the plots to the officer nominated by District Collector, East Godavari, at Rajahmundry.

3) If the petitioners fail to handover vacant possession of the plots at the end of three months period, the respondents shall be entitled to use force for securing vacant possession of the plots, and if necessary, demolish the construction raised by the petitioners.

4) If the petitioners fail to handover vacant possession of the plots to the officer nominated by the District Collector, East Godavari, then the latter shall file a contempt petition under the Contempt of Courts Act, 1971 for initiation of appropriate action against the petitioners.

There shall be no order as to costs.

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25.01.2007

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